



# County of Fairfax, Virginia

---

October 1, 2014

## STAFF REPORT

### SPECIAL PERMIT SP 2014-MA-159

#### MASON DISTRICT

**APPLICANTS/OWNERS:** Castro Jan M, Castro Joyce S

**STREET ADDRESS:** 3315 Potterton Dive, Falls Church, 22044

**SUBDIVISION:** Lake Barcroft

**TAX MAP REFERENCE:** 61-1 ((11)) 1048

**LOT SIZE:** 15,797 square feet

**ZONING DISTRICT:** R-2

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit a reduction in certain front and rear yard requirements to permit construction of an addition 12.7 feet from the rear lot line and 17.9 feet from the front lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2014-MA-159 for the addition with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

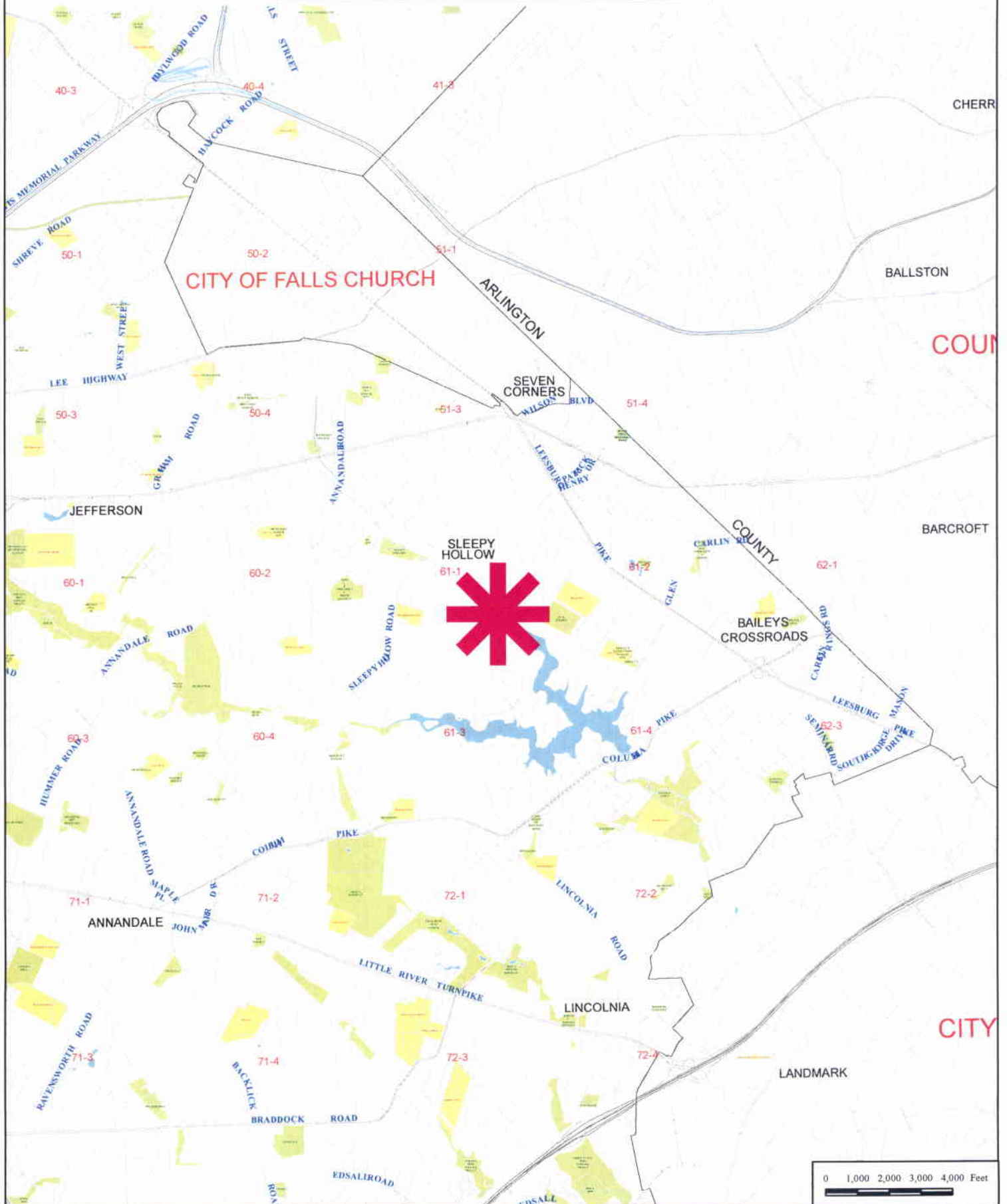
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

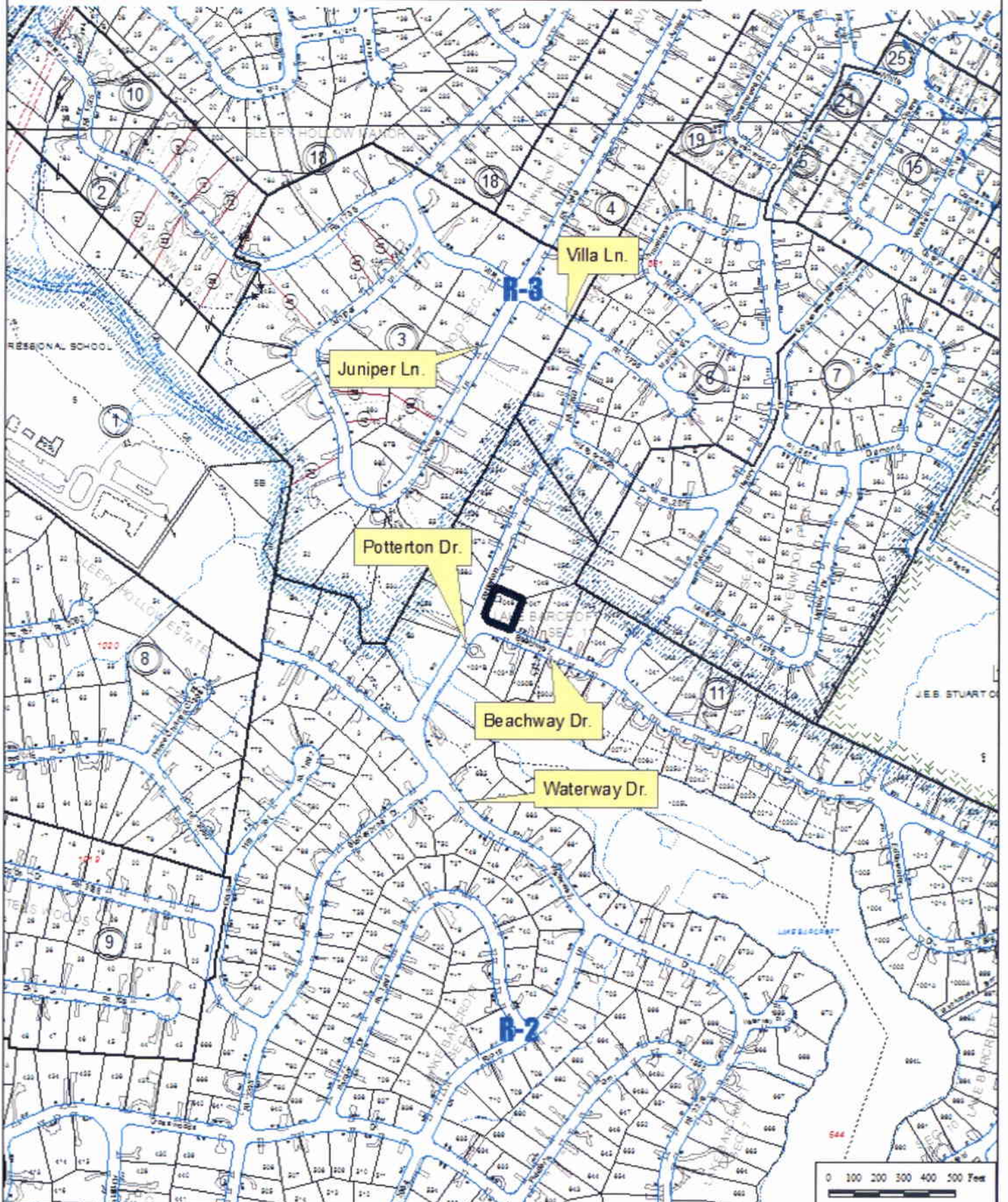


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2014-MA-159**  
**CASTRO JAN M, CASTRO JOYCE S**



**Special Permit**  
**SP 2014-MA-159**  
**CASTRO JAN M, CASTRO JOYCE S**



# NOTES:

1. PROPERTY IS LOCATED ON TAX MAP NO. 61-1-11-1048 AND IS PRESENTLY ZONED R-2.

2. R-2 B.R.L.'s: FRONT: 35'  
SIDE: 15'  
REAR: 25'

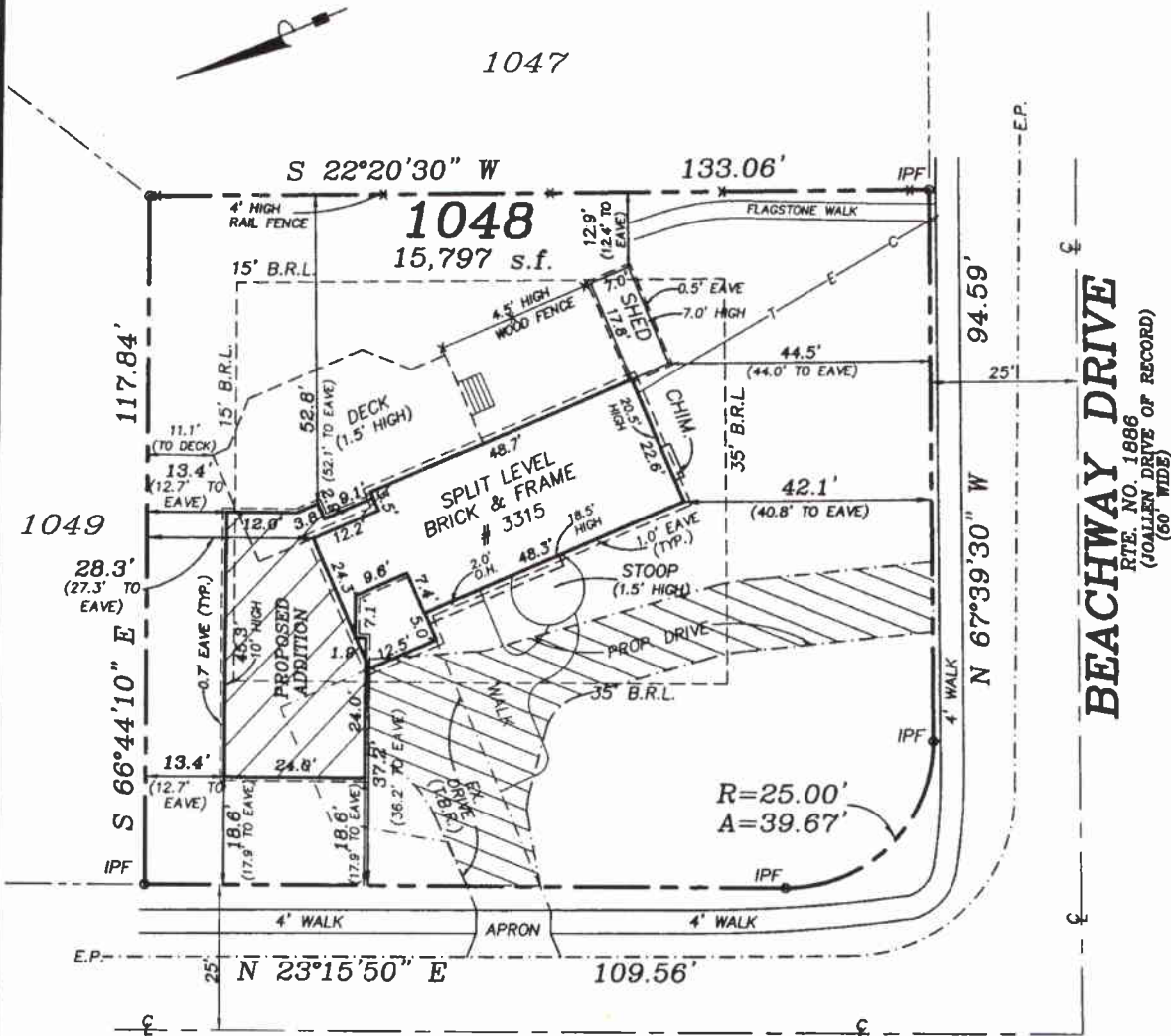
3. NO TITLE REPORT FURNISHED.

4. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.

5. THERE IS NO EVIDENCE OF GRAVESITES ON THIS PROP.

7. AS PER PLAT OF RECORD AND INFORMATION PROVIDED BY OWNER, THERE ARE NO ADDITIONAL EASEMENTS ON THIS PROPERTY.

8.  - DENOTES PROPOSED DRIVEWAY



GROSS FLOOR  
AREA COMPS.

EXISTING STRUCTURE: 2,625 s.f.  
PROPOSED ADDITION: 1,636 s.f.

62.32% GFA RATIO

PROPOSED FRONT  
YARD COVERAGE

FRONT YARD AREA: 7539 s.f.  
PROP. DRIVE IN FRONT YARD: 1,233 s.f.  
PROP. ADDITION IN FRONT YARD: 394 s.f.

21.6% PROP. FRONT YARD COVERAGE

RECEIVED  
Department of Planning & Zoning

SEP 04 2014

Zoning Evaluation Division

SPECIAL PERMIT  
LOT 1048  
SECTION 11

LAKE BARCROFT

MASON DISTRICT

FAIRFAX COUNTY, VIRGINIA

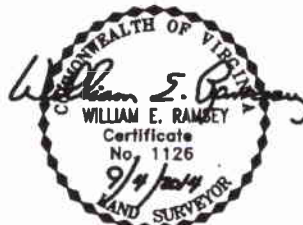
1"=20'

MARCH 25, 2014

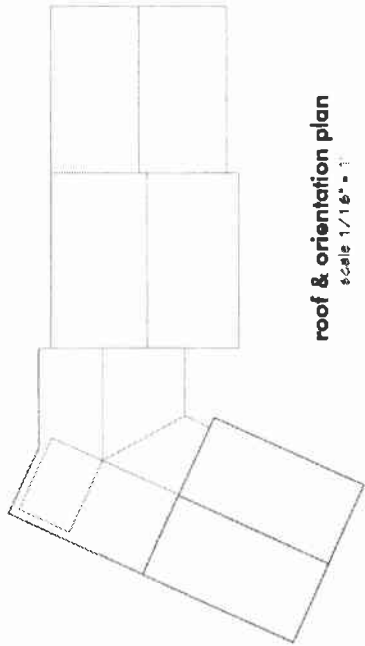
REVISED: JULY 17, 2014

REVISED: JULY 25, 2014

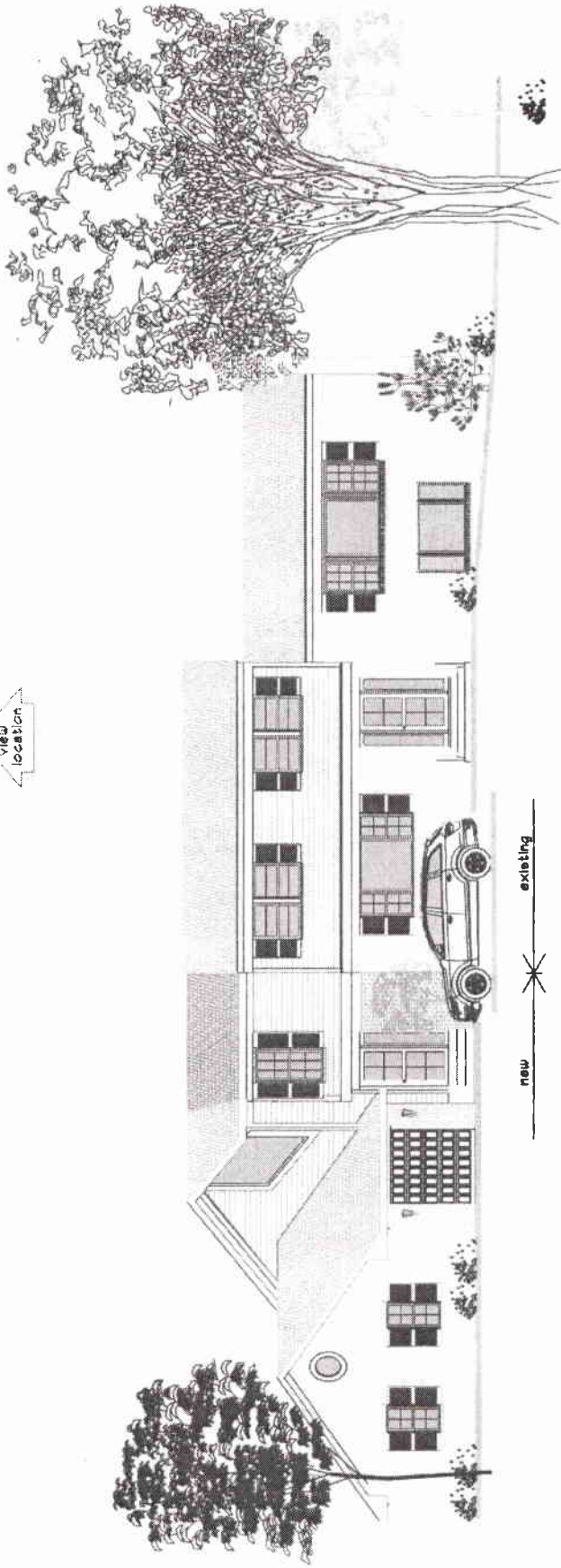
REVISED: SEPTEMBER 4, 2014



WILLIAM E. RAMSEY, P.C.  
LAND SURVEYOR  
FAIRFAX, VIRGINIA  
703-385-4499



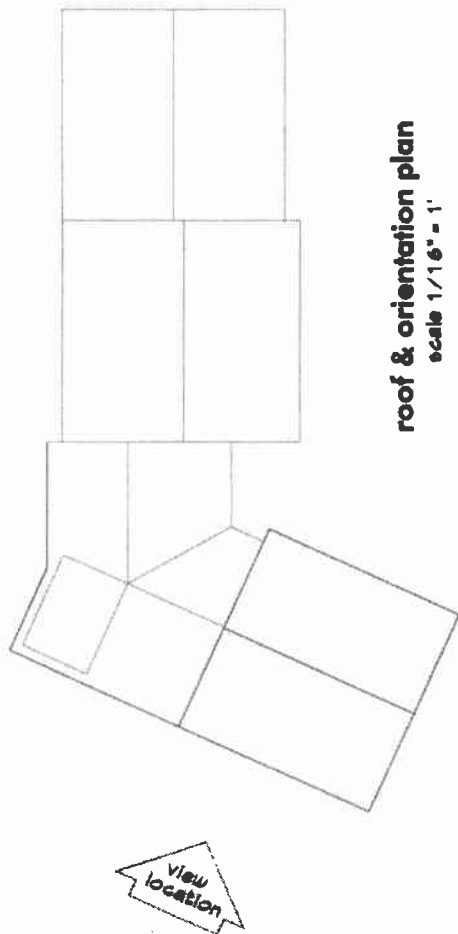
**roof & orientation plan**  
scale 1/16" = 1'



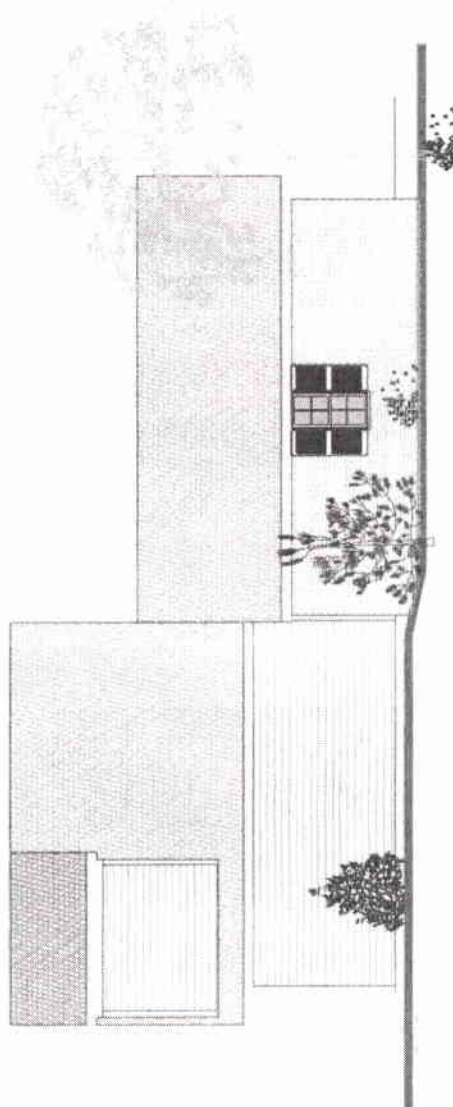
**front elevation**

scale 1/8" = 1'

PROJECT  
Architectural Services, Inc.  
JULY 22, 2014  
Coping Evaluation Document



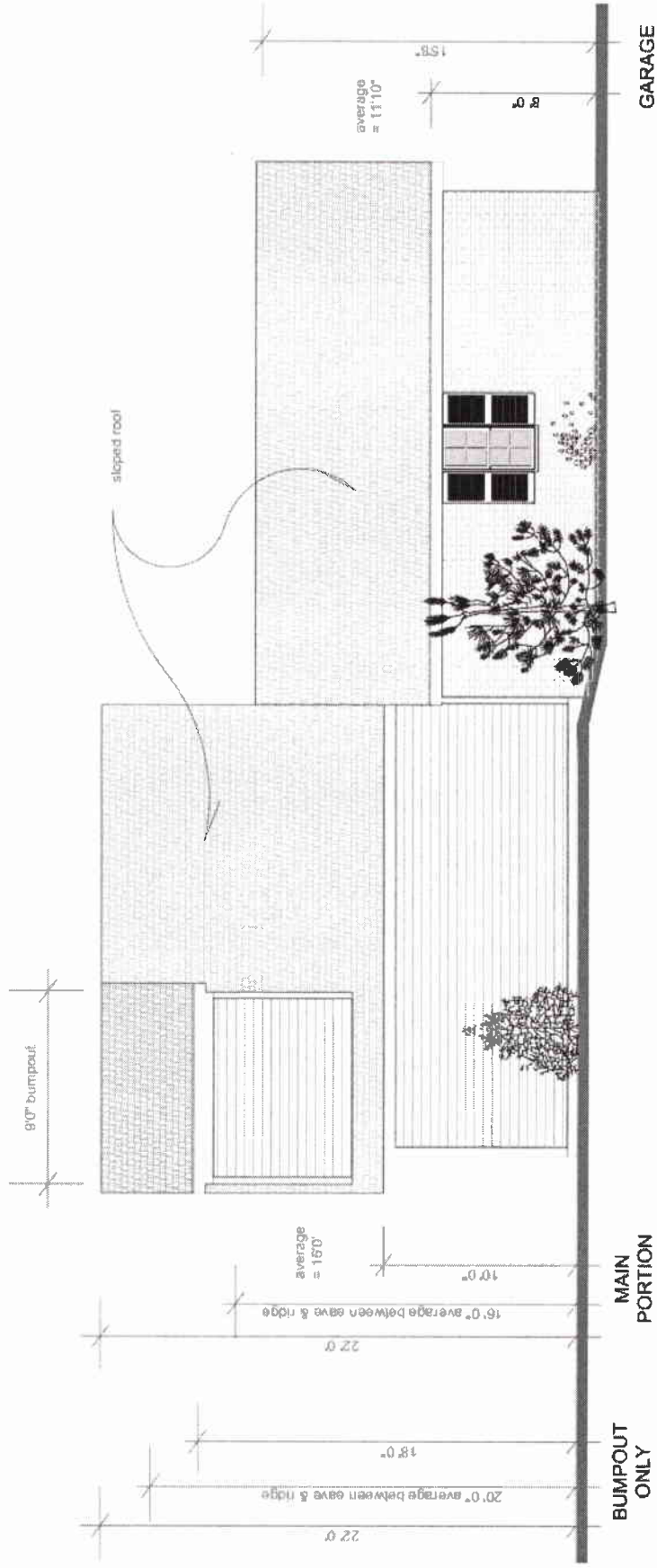
**roof & orientation plan**  
scale 1/16" = 1'



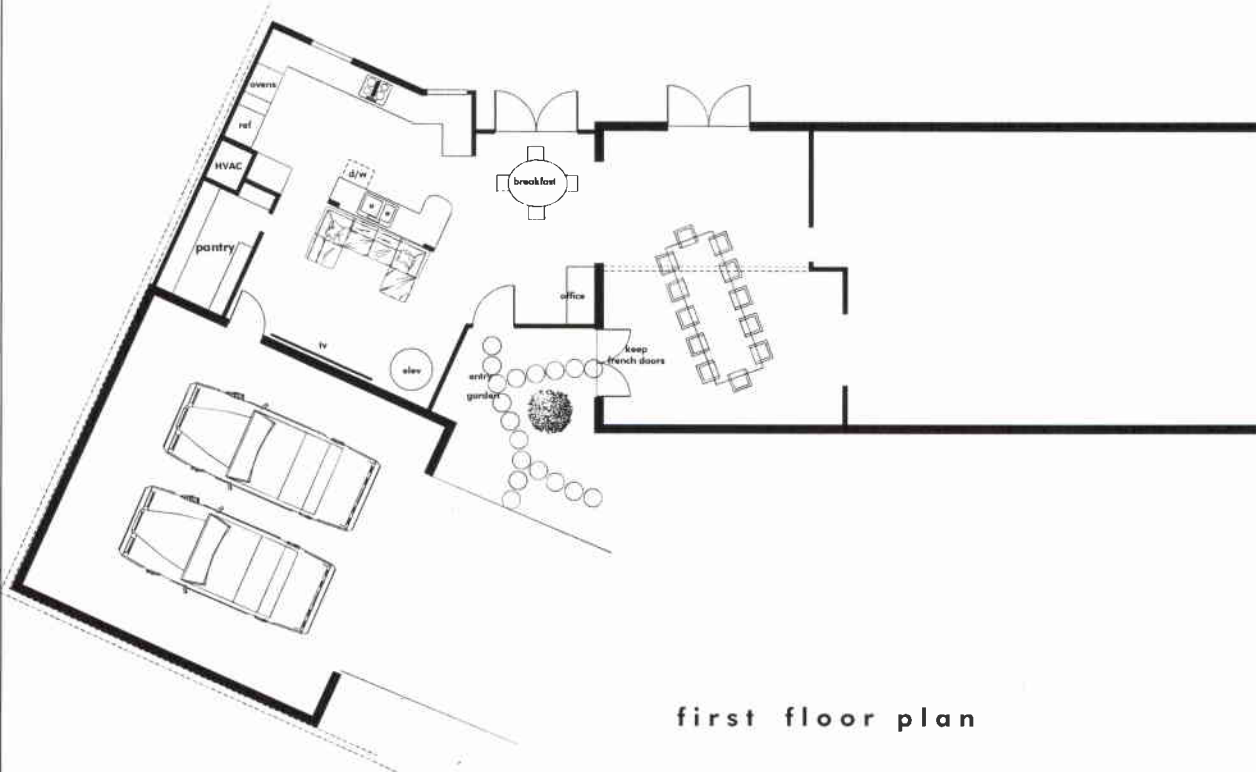
**new side elevation**

scale 1/8" = 1'

RECEIVED  
Department of Planning & Zoning  
JUL 22 2014  
Zoning Evaluation Division



**new side elevation**





**View from Corner**



**Closer View from Corner**



**View from Driveway**



**From Potterton Property Corner**



**Subject Property & Adjacent Neighbor**



**View from Back Corner**



**Rear of Residence**



**Rear of Residence to Potteron Neighbor**

## SPECIAL PERMIT REQUEST

The applicant is requesting approval of a special permit for a reduction in certain front and rear yard requirements to allow an addition to be constructed 17.9 feet from the front lot line along Potterton Drive and 12.7 feet from the rear lot line. The 1,636 square foot addition would consist of an attached two-car garage and an extended kitchen on the first floor of the dwelling and an extended master bedroom and master bathroom on the second floor. The rear yard setback for properties zoned R-2 is 25 feet and the front yard setback is 35 feet; however, because the property is a corner lot the rear yard setback along the northern property boundary is 15 feet (the equivalent of the side yard setback). Therefore, the applicant is requesting a reduction of 17.1 feet, or 49 percent, in the front yard along Potterton Drive and 2.3 feet, or 15 percent, in the rear yard. The existing driveway would be replaced with a new proposed driveway.

A copy of the special permit plat titled "Special Permit, Lot 1048, Section 11, Lake Barcroft," prepared by William E. Ramsey, P.C., dated September 4, 2014, is included in the front of the staff report.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The 15,797 square foot lot is located at the intersection of Potterton Drive and Beachway Drive and contains a two-story single family detached dwelling. The existing dwelling faces Potterton Drive and is situated at an angle on the subject property. The dwelling is located approximately 36 feet from the property line along Potterton Drive and approximately 41 feet from the property line along Beachway Drive. A stoop, walkway, and asphalt driveway are located to the west of the dwelling. A 1.5-foot high deck, 4.5-foot high wood fence, and 7-foot high shed are located to the east of the dwelling. A flagstone walkway is located in the southeastern corner of the property. Several mature trees are located on the property. The existing lot and surrounding lots are zoned R-2 and developed with single family detached dwellings.



Source: Fairfax County GIS

## **BACKGROUND AND HISTORY**

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1958 and purchased by the applicant in 1998.

A copy of information outlining similar Special Permit or Variance application requests for a reduction in minimum required yards is contained in Appendix 5.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

Plan Area: I

Planning District: Baileys

Planning Sector: Barcroft Community Planning Sector (B05)

Plan Map: Residential 2-3 du/ac

### **Urban Forestry Analysis (Appendix 4)**

Staff from the Urban Forest Management Division (UFMD) reviewed the application and noted that the proposed driveway and addition will likely result in damage to the existing trees in the area where the driveway and the addition are proposed. The limits of disturbance should be minimized to only the minimum necessary for constructing the proposed changes and tree protection fencing should be installed on all existing trees to be preserved. In addition, staff believes the applicant should install supplemental landscaping to help buffer the addition from the adjacent property to the north.

To address these issues, staff has proposed a development condition that states every effort shall be made to protect existing trees during the construction of the addition and that the applicant shall hire a certified arborist to develop a tree preservation plan. This condition would also require the applicant to install tree protection fencing around existing trees to be preserved to limit both above and below ground impacts. Staff has also proposed a development condition that would require the applicant to plant landscaping within the available space on the northern side of the addition to increase the screening provided between the addition and the adjacent property to the north.

### **Zoning Ordinance Requirements**

- *Sect. 8-006* General Special Permit Standards
- *Sect. 8-903* Group 9 Standards
- *Sect. 8-922* Provisions for Reduction of Certain Yard Requirements

This special permit is subject to the sections of the Zoning Ordinance referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the special permit must meet these standards.

### **Sect. 8-006 General Special Permit Standards**

Staff believes that the application for the addition meets all of the eight General Special Permit Standards. Of particular note regarding this application is General Standard 3.

*General Standard 3* requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs and aerial photography that the construction of the addition would not adversely affect the use or development of neighboring properties. Therefore, staff finds that the application meets this standard.*

### **Sect. 8-922 Provisions for Reduction of Certain Yard Requirements**

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application, and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

*Standard 4* states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. *The existing dwelling is 2,625 square feet according to the SP Plat. Therefore 150% of the total gross floor area could result in additions up to 3,937 square feet in size for a possible total square footage at build out of 6,562 square feet. The proposed addition is approximately 1,636 square feet, resulting in a total square footage of 4,261 square feet for the house and addition. Therefore, the application meets this provision.*

*Standard 6* states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. *The elevation drawings and statement of justification indicate that the location, height, bulk and materials of the proposed addition would be compatible with the existing dwelling. The applicant is requesting a two-car garage at a height of 11.8 feet in the area closest to Potterton Drive. The*

*portion of the addition toward the rear of the dwelling would be two-stories at a height of approximately 22 feet to the roof ridgeline, as shown in Attachment 1 in Appendix 1 of this report. This is consistent with the height of the existing two-story dwelling. Staff finds that the proposed addition is logically located within the context of the existing dwelling. As a result, staff believes that the application meets this provision.*

*Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The proposed addition is on the north side of the existing dwelling. The portion of the addition most proximate to Potterton Drive is a single-story garage addition. The two-story portion of the addition would provide an extension of the existing second floor of the dwelling. The majority of the two-story portion of the addition will face the property to the north, which is at a higher elevation than the subject property. With the implementation of the proposed conditions that address Urban Forestry comments and with the provision of a landscape buffer, staff believes the application meets this provision.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes the proposed 1,636 square foot addition will not significantly impact the use and/or enjoyment of any adjacent property with the adoption of the proposed development conditions. Therefore, staff believes the application meets this provision.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The layout and orientation of the existing dwelling limits the possibilities for alternative locations for the construction of the addition on the lot. The existing house was constructed on an angle, which makes the northern edge of the dwelling in close proximity to the building restriction line along Potterton Drive. Although the proposed addition adds a substantial amount of bulk and mass to a lot that is somewhat smaller than other lots within the vicinity, the proposed structure is stepped back in scale from the front yard and would only encroach into the required side yard by 2.3 feet. The garage portion could possibly be constructed on the southern side of the lot, but this would also require a special permit and is likely not the most logical location given the existing layout of the dwelling and the topography of the site.*

Other issues of environmental characteristics, slopes, wells, floodplains and/or Resource Protection Areas, easements and historic resources are not applicable to this site. Staff believes the application meets this provision.

## **CONCLUSION**

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

## **RECOMMENDATION**

Staff recommends approval of SP 2014-MA-159 for the addition with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Urban Forestry Memo dated August 28, 2014
5. Similar Case History
6. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2014-MA-159****October 1, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MA-159 located at Tax Map 61-1 ((11)) 1048 to permit a reduction of certain yard requirements pursuant to Sects. 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

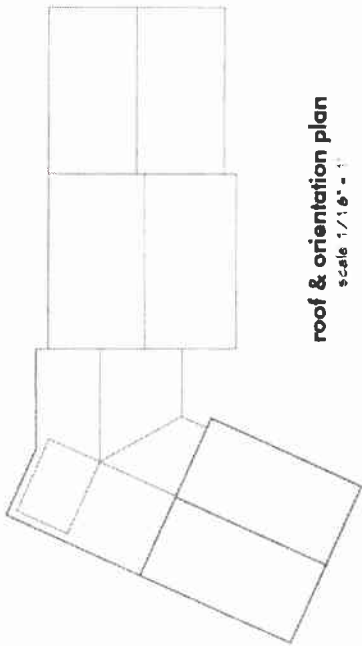
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the addition as shown on the plat titled, "Special Permit, Lot 1048, Section 11, Lake Barcroft," prepared by William E. Ramsey, P.C., dated September 4, 2014, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,625 square feet existing + 3,937 square feet (150%) = 6,562 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions. The maximum heights for the garage and addition shall not exceed those shown on Attachment 1.
5. Any changes to the driveway shall be done in accordance with all Zoning Ordinance regulations and Virginia Department of Transportation (VDOT) requirements. In the event that VDOT does not approve the proposed driveway entrance along Beachway Drive, the applicant shall retain the single entrance from Potterton Drive, and shall not install the second proposed driveway.
6. The applicant shall plant landscaping in the available space on the northern side of the addition to increase the screening between the addition and the

adjacent property to the north. The species and size of the plantings shall be determined in coordination with the Urban Forest Management Division (UFMD).

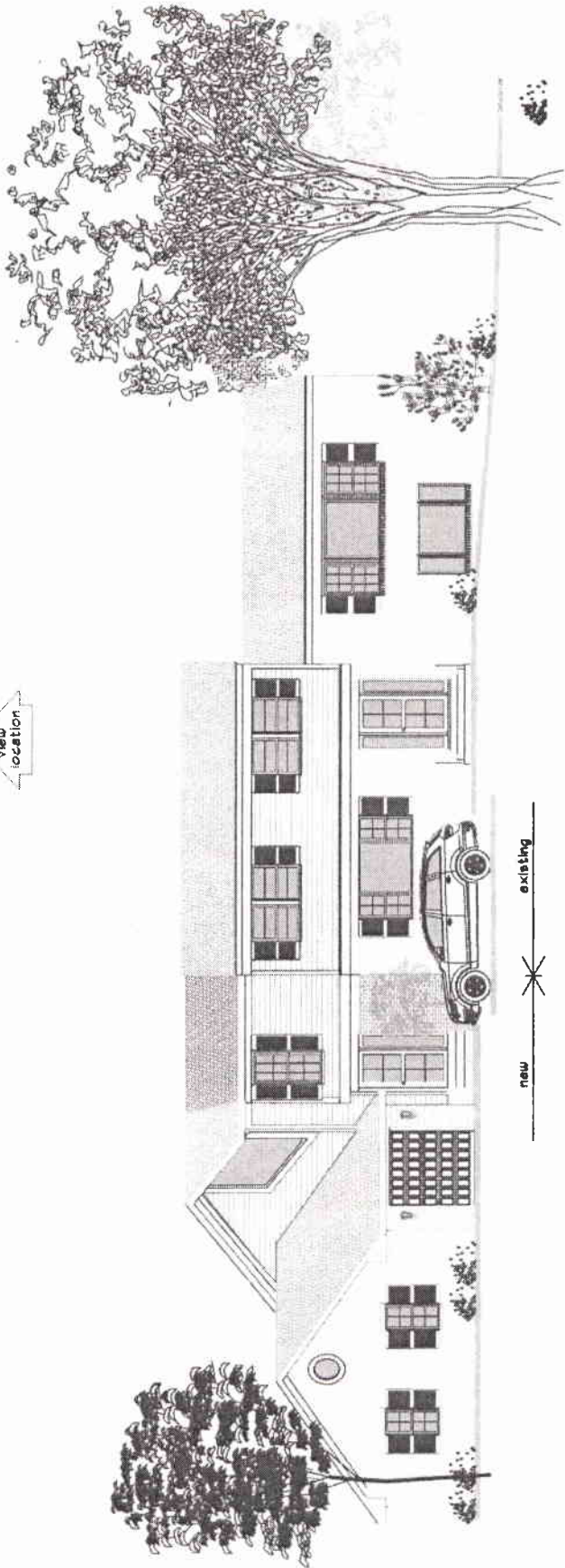
7. Every effort shall be made to protect existing trees during construction of the addition. The applicant shall hire a certified arborist to develop a tree preservation plan prior to any construction to help reduce negative impacts to the existing vegetation to be preserved. Tree protection fencing shall be installed around the drip lines of existing trees to be preserved to limit both above and below ground impacts.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

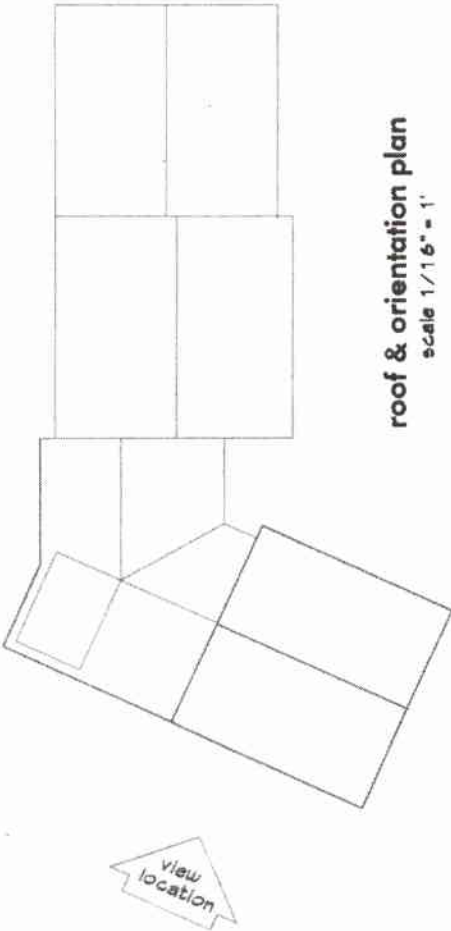


roof & orientation plan  
scale 1/8" = 1'

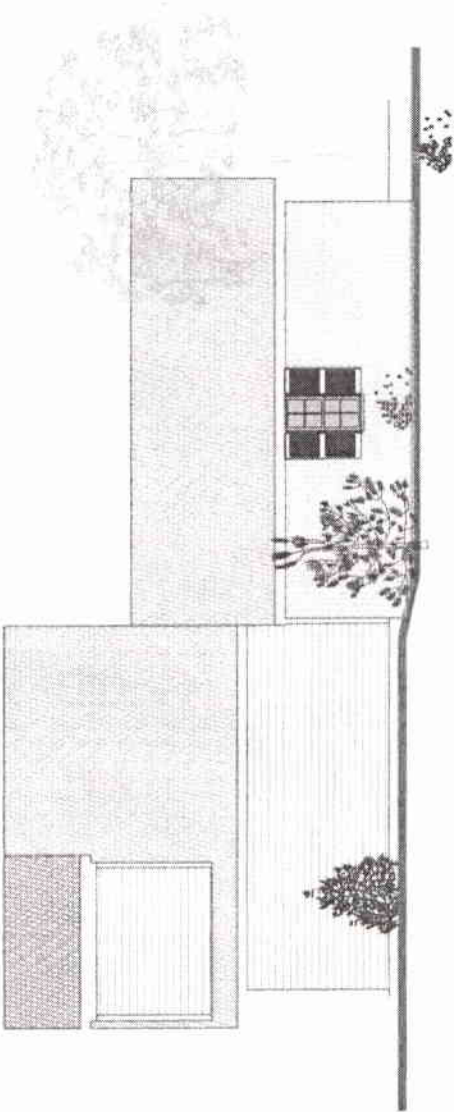


front elevation  
scale 1/8" = 1'

RECEIVED  
PLANNING DEPARTMENT  
JUL 22 2014  
2014-MA-159



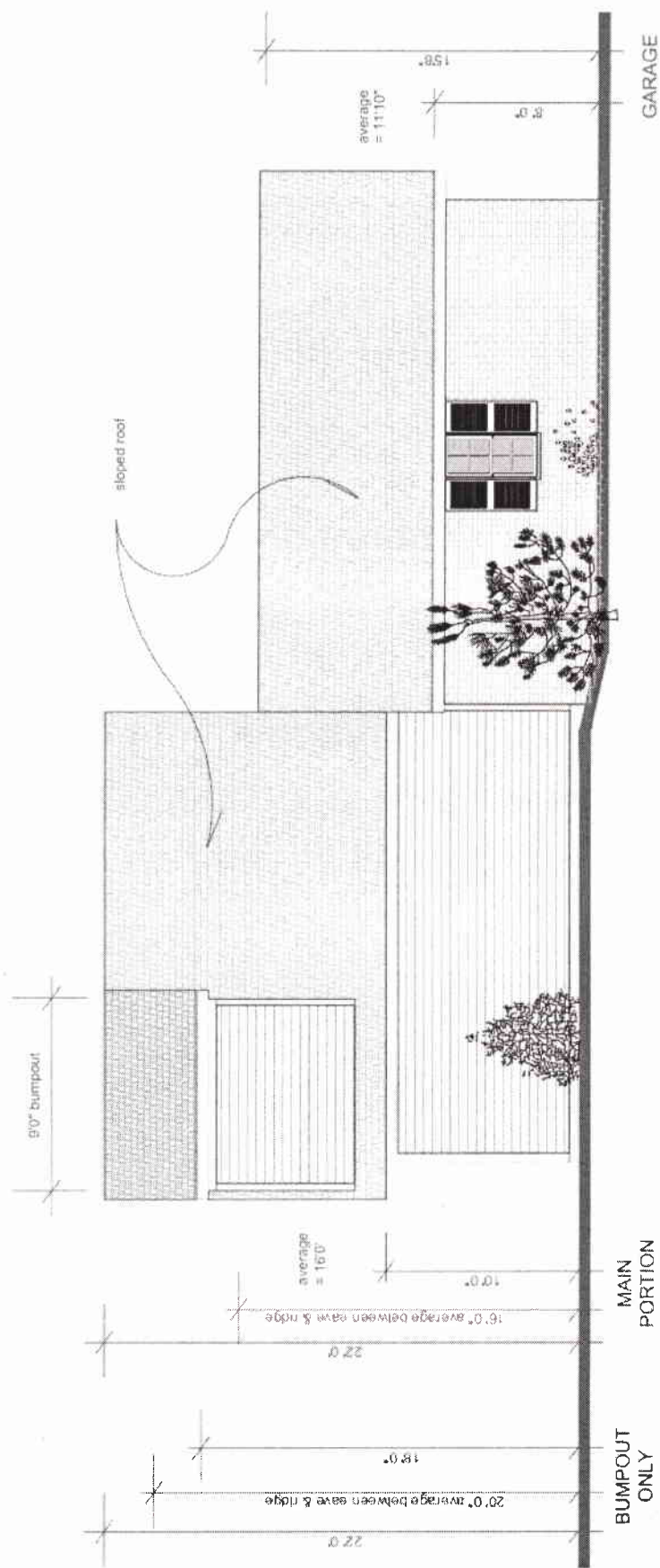
roof & orientation plan  
scale 1/16" = 1'



new side elevation

scale 1/8" = 1'

RECEIVED  
Department of Planning & Zoning  
JUL 22 2014  
Zoning Evaluation Division



new side elevation

Application No.(s): \_\_\_\_\_  
 (county-assigned application number(s), to be entered by County Staff)

## SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 25, 2014  
 (enter date affidavit is notarized)

125081

I, JAN M. CASTRO / JOYCE S. CASTRO, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one) ☒ applicant  
☐ applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE**,\*\* each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
JAN M. CASTRO	3315 POTTERTON DRIVE	APPLICANTS / TITLE OWNERS
JOYCE S. CASTRO	FALLS CHURCH, VA 22044	
PASQUALE FRANK DIVITO	6333 BEACHWAY DRIVE FALLS CHURCH, VA 22044	ARCHITECT / AGENT

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 25, 2014  
(enter date affidavit is notarized)

125081

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(**NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

NOT APPLICABLE

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

N/A

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

NONE

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

| 2508 |

DATE:

June 25, 2014  
(enter date affidavit is notarized)

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**NOT APPLICABLE**

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

**N/A**

(check if applicable) ☐ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

**NONE**

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.*

Application No.(s): \_\_\_\_\_

(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 25, 2014  
(enter date affidavit is notarized)

125081

1(d). One of the following boxes **must** be checked:

- ☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

NONE

- ☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

- (check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Five

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 25, 2014  
(enter date affidavit is notarized)

125081

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)**

NONE

**(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)**

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

**WITNESS the following signature:**

(check one)

Joyce S. Castro Jatt  
☒ Applicant ☐ Applicant's Authorized Agent  
JAN M. CASTRO JOYCE S. CASTRO  
APPLICANT CO APPLICANT  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 25 day of June, 2014, in the State/Comm. of Washington, County/City of DC.

My commission expires: GABRIELLE MCKINNON  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires March 31, 2017



**STATEMENT OF JUSTIFICATION**

- A. **Type of operation** *Not applicable*
- B. **Hours of operation** *Not applicable*
- C. **Estimated number of patrons/clients/patients/etc.** *Not applicable*
- D. **Proposed number of employees/attendants/teachers/etc** *Not applicable*
- E. **Estimate of traffic impact.....** *None*
- F. **Vicinity or general area to be served by this use.** *It serves only this residence.*
- G. **Description of building façade and architecture of proposed new building or addition.**

*The addition will be in keeping with the architecture of the existing house. It is standard colonial in style. We have attached drawings to show what the floor plan will be as well as rendered elevations of the addition. The gross floor area of the existing residence is 2,625 sq. ft and the gross floor area of the addition is 1,636 sq. ft, which is 62.3 % of the existing, well below the 150% allowable. Also planting will only be removed as required for the addition. New landscaping will be added for aesthetic reasons as required.*

- H. **A listing, if known of all hazardous .....** *None or not applicable*
- I. **A Statement of how the proposed use conforms to the provisions of all applicable ordinances, regulation, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.**

*This special permit request is to allow for a garage/kitchen addition to be built within 12.7 feet of the rear property line in lieu of the standard 25 rear yard setback and within 17.9 feet of the front property line in lieu of the standard 35 foot front yard setback. All in conformance with ordinances and regulations except for rear yard and front yard setbacks.*

*When the house was originally built it was set rather far from the streets especially Beachway Drive. Access to the house (pedestrian and vehicular) has always been from the side away from Beachway Drive. This is the logical side for any kitchen expansion and garage additions. Any addition (rather than a extremely minor one) would require an application for a special permit. What we are requesting in this special permit application is the least intrusive to the neighbor hood and the neighbors. Please notice the near neighbor on Potterton Drive. 'This home is not very close to the subject property and sits well above the subject property.*

*Let me now address the issues of 8-922 ( 5 thru 9) as they apply to this application.*

*Item 5. The gross floor area of this structure is subordinate to the principal structure. The residence from the streets remains unaltered except for the removal the flat roofed carport. The front door and entrance area with all the landscaping walls remain*

*unchanged. From the streets what is most visible is the double garage which is obviously subordinate to the main structure.*

*Item 6. The addition forward of the house is the double garage which is a one floor garage, nothing above. The two story part of the addition is recessed from the front of the existing residence, further enhanced with a small entry garden which when landscaped will allow the addition to recede even further. The only two story part of the addition that faces the adjacent neighbor is a small 9 foot bumpout for the master bath. This bumpout is also at the furthest point from the street. The addition is also very much in character with the existing residence.*

*Item 7. This house with the addition is still in keeping with the height, bulk and scale of other houses around it. Within Lake Barcroft, this house when completed is certainly not one of the largest. Lake Barcroft is technically a forest based upon the mature trees per acre standard. Only trees that are required to be removed will be removed. Same is true for existing vegetation.*

*Item 8. There is only one adjacent neighbor re the rear yard request. That neighbors residence sits well above the Castro's property and the addition sits between the neighbor and the Castro residence. Thus the view before and after the change from the neighbor's point of view is the Castro physical residence. No other view is lost.*

*Item 9. The owner with the aid of an architect have kept this addition to an absolute minimum in terms of the rear and front yard request. There are no alternate locations for the addition. Most importantly is the available use of the lot to the owners. After setbacks are taken into account only 32% of the total lot area is available for building (without any variances, special permits etc). There is a buildable area of only 5,074 sq. ft. on a lot of 15,797 sq. ft.!! Many years ago when the original builder placed the house within the allowable building rectangle, he placed it on an angle. And while this looked good from the streets, it left no room for growth. That was more than 40 years ago. The owner with this application seeks to improve the residence and thus improve Fairfax County.*



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** August 28, 2014

**TO:** Megan Duca, Staff Coordinator  
Department of Planning and Zoning

**FROM:** Nicholas J. Drunasky, Urban Forester II  
Forest Conservation Branch, UFMD

**SUBJECT:** Lake Barcroft, Lot 1048, Section 11, 3315 Potterton Drive, SP 2014-MA-159

I have reviewed the above referenced Special Permit application including a Statement of Justification and a Special Permit plat of the subject property, stamped as received by the Zoning Evaluation Division on July 22, 2014. The following comments and recommendations are based on this review.

**Comment:** The construction of the proposed driveway and addition will likely result in unwanted damage to the existing trees surrounding the area where the driveway and addition are proposed. Trees that experience disturbance to 40% or more of their driplines are generally not recommended for preservation.

**Recommendation:** Where any amount of excavation is required, the limits of disturbance should be minimized to the minimum area necessary for constructing the proposed changes to reduce disturbance to as much of the root zones as possible. Tree protection fencing should be installed around the drip lines of existing trees to be preserved to limit both above and below ground impacts. Absolute no construction equipment or storage of materials should enter into these designated tree preservation areas. Should extensive damage to the trunk or root zone of existing trees occur, consider removal and replacement with similar overstory species to replace the lost canopy.

In addition, it is highly recommended to consult either an ISA Certified Arborist or American Society of Consulting Arborists – Registered Consulting Arborist who is familiar with tree preservation to help develop a tree preservation plan prior to any construction occurring to help reduce negative impacts to the existing vegetation present.

If you have any further questions, please feel free to contact me at 703-324-1770.

NJD/

UFMDID #: 194882

cc: DPZ File



# Similar Case History

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## Group: 95-M-106

### VC 95-M-106

**APPLICANT:** KEITH W & PHYLLIS P SHERPER  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 04/17/1996  
**ZONING DISTRICT:** R-3  
**DESCRIPTION:** PERMIT CONSTRUCTION OF ADDITION 2.0 FT. FROM SIDE LOT LINE \*\*THE BOARD GRANTED 3.0 FEET FROM SIDE LOT LINE\*\*  
**LOCATION:** 3252 JUNIPER LANE  
**TAX MAP #:** 0611 03 0039A

## Group: 87-M-071

### VC 87-M-071

**APPLICANT:** HENSHAW, PHILIP B. AND LUCY A.  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 10/07/1987  
**ZONING DISTRICT:** R-3  
**DESCRIPTION:** TO ALLOW CONSTRUCTION OF SECOND STORY ADDITION TO DWELLING TO 7.2 FT. FROM A SIDE LOT LINE (12 FT. MIN. SIDEYARD REQ.)  
**LOCATION:** 6250 DIAMOND DRIVE  
**TAX MAP #:** 0611 07 0008

## Group: 95-M-083

### VC 95-M-083

**APPLICANT:** LEVIN, HARVEY L.  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 10/11/1995  
**ZONING DISTRICT:** R-3  
**DESCRIPTION:** PERMIT CONSTRUCTION OF ADDITION (CARPORT) 5.0 FT. FROM SIDE LOT LINE  
**LOCATION:** 6317 HILLSBOROUGH DRIVE  
**TAX MAP #:** 0611 07 0077

**Group: 96-M -141**

**VC 96-M -141**

APPLICANT: KRESS, ANNE B. & JOHN R.  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DATE: 01/28/1997  
ZONING DISTRICT: R- 3  
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 10.4 FT. FROM SIDE LOT LINE  
LOCATION: 3303 MILITARY DRIVE  
TAX MAP #s:  
0611 07 0037

**Group: 00-M -079**

**VC 00-M -079**

APPLICANT: RUBIN, HOWARD I AND ROSEANNE C  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DATE: 08/15/2000  
ZONING DISTRICT: R- 2  
DESCRIPTION: TO PERMIT THE CONSTRUCTION OF SECOND STORY ADDITION 13.3 FT. FROM SIDE LOT LINE  
LOCATION: 3426 STONEYBRAE DRIVE  
TAX MAP #s:  
0611 11 0442

**Group: 01-M -198**

**VC 01-M -198**

APPLICANT: LECOS, MARY ANNE & DEMOSTHENES W.  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DATE: 03/11/2002  
ZONING DISTRICT: R- 2  
DESCRIPTION: TO PERMIT ADDITIONS 4.1 FEET AND 4.8 FEET FROM SIDE LOT LINE  
LOCATION: 6311 BEACHWAY DRIVE, FALLS CHURCH, VA 22044  
TAX MAP #s:  
0611 11 1023A

**Group: 83-M -122**

**VC 83-M -122**

APPLICANT: PASQUALE D VITA  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DATE: 10/25/1983  
ZONING DISTRICT: R- 2  
DESCRIPTION: TO ALLOW CONSTRUCTION OF INDOOR SWIMMING POOL ADDITION TO DWELLING TO 4.0 FT. FROM SIDE LOT LINE (15 FT. MIN. SIDE YARD REQ.)  
LOCATION: 6333 BEACHWAY DRIVE  
TAX MAP #s:  
0611 11 1031B

Group: 83-M-190

VC 83-M-190

APPLICANT: JACK J KEITH  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DTE: 02/07/1984  
ZONING DISTRICT: R-2  
DESCRIPTION: TO ALLOW CONSTRUCTION OF PORCH AND GARAGE ADDITIONS TO DWELLING TO 15 FT. AND 20 FT., RESPECTIVELY, FROM REAR LOT LINE (25 FT. MIN. REAR YARD REQ.)  
LOCATION: 3435 MANSFIELD ROAD  
TAX MAP #s:  
0611 11 1018

Group: 85-M-080

VC 85-M-080

APPLICANT: FRANCIS X AND WALTRAUT D NELSON  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DTE: 12/03/1985  
ZONING DISTRICT: R-2  
DESCRIPTION: CONSTRUCTION OF CAR SHELTER AND TOOL SHED ADDITION TO DWELLING TO 5.2 FT. FROM SIDE LOT LINE (15 FEET MIN. REQUIRED)  
LOCATION: 6315 BEACHWAY DRIVE  
TAX MAP #s:  
0611 11 1025A1

Group: 86-M-026

VC 86-M-026

APPLICANT: HOLLIDAY, ROBERT G, JR  
STATUS: EXPIRED  
STATUS/DECISION DTE: 02/04/1988  
ZONING DISTRICT: R-2  
DESCRIPTION: ADDITION TO DWELLING TO 30.0 FT. FROM FRONT LOT LINE (35 FT. MIN. FRONT YARD REQUIRED)  
LOCATION: 3408 FIDDLERS GREEN  
TAX MAP #s:  
0611 11 0695

Group: 86-M-109

VC 86-M-109

APPLICANT: OLLUTT, ROBERT L AND BETTY J  
STATUS: EXPIRED  
STATUS/DECISION DTE: 07/20/1988  
ZONING DISTRICT: R-2  
DESCRIPTION: TO ALLOW CONSTRUCTION OF ADDITION TO DWELLING TO 28.1 FEET FROM FRONT LOT LINE (35 FEET MIN. REQUIRED)  
LOCATION: 3432 BARGER DRIVE  
TAX MAP #s:  
0611 11 0727

Group: 88-M-024

VC 88-M-024

APPLICANT: HALL, JANET R.  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DTE: 06/03/1988  
ZONING DISTRICT: R-2  
DESCRIPTION: ALLOW ENCLOSURE AND EXPANSION OF CARPORT FOR A GARAGE ADDITION TO DWELLING TO 7 FEET FROM SIDE LOT LINE (15 FT. MIN. SIDE YARD REQUIRED)  
LOCATION: 6424 CAVALIER CORRIDOR  
TAX MAP #S:  
0611 11 0518

Group: 88-M-082

VC 88-M-082

APPLICANT: BERUFF, MR. & MRS. JORGE  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DTE: 08/02/1988  
ZONING DISTRICT: R-2  
DESCRIPTION: ALLOW CONSTRUCTION OF ADDITION TO DWELLING TO 10.0 FEET FROM SIDE LOT LINE (15 FT. MIN. SIDE YARD REQ.)  
LOCATION: 3423 STONEYBRAE DRIVE  
TAX MAP #S:  
0611 11 0504

Group: 89-M-060

VC 89-M-060

APPLICANT: LEWIS, DAVID P.  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DTE: 08/01/1989  
ZONING DISTRICT: R-2  
DESCRIPTION: ALLOW ENCLOSURE OF EXISTING CARPORT TO A GARAGE 12.5 FT. FROM A SIDE LOT LINE (15 FT. MIN. SIDE YARD REQ.)  
LOCATION: 3513 WENTWORTH DRIVE  
TAX MAP #S:  
0611 11 0617

Group: 89-M-074

VC 89-M-074

APPLICANT: BHAGAT A NAZIR  
STATUS: EXPIRED  
STATUS/DECISION DTE: 09/21/1991  
ZONING DISTRICT: R-2  
DESCRIPTION: ALLOW CONSTRUCTION OF SECOND STORY ADDITION TO EXISTING ATTACHED GARAGE 8.8 FT. FROM SIDE LOT LINE (15 FT. MIN. SIDE YARD REQ.)  
LOCATION: 3411 FIDDLER'S GREEN  
TAX MAP #S:  
0611 11 0647

**Group: 89-M-106****VC 89-M-106**

APPLICANT: MILTON E & LILLIAN S MITLER  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DATE: 01/17/1990  
ZONING DISTRICT: R-2  
DESCRIPTION: 11.4 FT. SIDE YARD SETBACK TO BUILD A GARAGE; REQUIRED SIDE YARD 15 FT.  
LOCATION: 3420 MANSFIELD ROAD  
TAX MAP #s:  
0611 11 0992

**Group: 89-M-140****VC 89-M-140**

APPLICANT: GERALD & RANDA MENDENHALL  
STATUS: APPLICATION DENIED  
STATUS/DECISION DATE: 01/26/1990  
ZONING DISTRICT: R-2  
DESCRIPTION: TO ALLOW CONSTRUCTION OF GARAGE ADDITION TO DWELLING TO 8.8 FT. FROM SIDE LOT LINE AND 26.0 FT FROM FRONT LOTLINE AND TO ALLOW CONSTRUCTION OF COVERED PORCH ADDITION 17.9 FEET FROM FRONT LINE  
LOCATION: 3418 MANSFIELD ROAD  
TAX MAP #s:  
0611 11 0993

**Group: 90-M-107****VC 90-M-107**

APPLICANT: NEAL RINEARSON  
STATUS: APPLICATION DENIED  
STATUS/DECISION DATE: 12/20/1990  
ZONING DISTRICT: R-2  
DESCRIPTION: ALLOW CONSTRUCTION OF ADDITION TO 25.4 FT. AND 28.0 FT. FROM THE STREET LINES OF A CORNER LOT (35 FT. MIN. FRONT YARD REQ.)  
LOCATION: 6375 CAVALIER CORRIDOR  
TAX MAP #s:  
0611 11 0533

**Group: 91-M-111****VC 91-M-111**

APPLICANT: JOSEPH J SEIFRIED  
STATUS: APPLICATION DENIED  
STATUS/DECISION DATE: 12/18/1991  
ZONING DISTRICT: R-2  
DESCRIPTION: ALLOW CONSTRUCTION OF ADDITION 7 FT. FROM SIDE LOT LINE (15 FT. MIN. SIDE YARD REQ.)  
LOCATION: 6423 CAVALIER CORRIDOR  
TAX MAP #s:  
0611 11 0543

**Group: 92-M -104****VC 92-M -104**

APPLICANT: HAMID REZA OSSAREH  
STATUS: APPLICATION DENIED  
STATUS/DECISION DTE: 12/16/1992  
ZONING DISTRICT: R- 2  
DESCRIPTION: ALLOW CONSTRUCTION OF ADDITION 5 FT. FROM SIDE LOT LINE (15 FT. MIN. SIDE YARD REQ.)  
LOCATION: 6343 CROSSWOODS DRIVE  
TAX MAP #S:  
0611 11 0562

**Group: 93-M -100****VC 93-M -100**

APPLICANT: BRANHAM, JAMES M.  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DTE: 11/17/1993  
ZONING DISTRICT: R- 2  
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 12.2 FT. FROM SIDE LOTLINE AND 6 FOOT HIGH FENCE WITHIN THE FRONTYARD (15 FT. MIN. SIDE YARD REQ. AND 4 FOOT MAX. FENCE HEIGHT PERMITTED)  
LOCATION: 3426 BLAIR ROAD  
TAX MAP #S:  
0611 11 0906

**Group: 93-M -127****VC 93-M -127**

APPLICANT: FELDMAN, ROBERT AND DEBBIE DANKER  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DTE: 02/10/1994  
ZONING DISTRICT: R- 2  
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 8.7 FT. FROM SIDE LOT LINE (15 FT. MIN. SIDE YARD REQ.)  
LOCATION: 3404 GRASS HILL TERRACE  
TAX MAP #S:  
0611 11 0688

**Group: 94-M -005****VC 94-M -005**

APPLICANT: INFELD, MARCEL AND DONNA  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DTE: 04/06/1994  
ZONING DISTRICT: R- 2  
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 30.6 FT. FROM FRONT LOT LINE (35 FT. MIN. FRONT YARD REQ.)  
LOCATION: 6154 BEACHWAY DRIVE  
TAX MAP #S:  
0511 11 0917

Group: 95-M-035

**VC 95-M-035**

APPLICANT: JILL R AND LARRY S NIXON  
STATUS: APPLICATION DENIED  
STATUS/DECISION DTE: 06/21/1995  
ZONING DISTRICT: R-2  
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 14.5 FT. AND DECK 10.0 FT. FROM SIDE LOT LINE  
LOCATION: 6337 WATERWAY DRIVE  
TAX MAP #S: 0611 11 0663

Group: 97-M-100

**VC 97-M-100**

APPLICANT: LADWIG, ALAN M.  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DTE: 01/14/1998  
ZONING DISTRICT: R-2  
DESCRIPTION: PERMIT CONSTRUCTION OF AN ADDITION & DECK 10.6 FT. FROM SIDE LOT LINE  
LOCATION: 6108 BEACHWAY DRIVE  
TAX MAP #S: 0611 11 0890

Group: 97-M-094

**VC 97-M-094**

APPLICANT: IRELAN, WILLIAM T. & INES M.  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DTE: 12/10/1997  
ZONING DISTRICT: R-2  
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 8.83 FT. FROM SIDE LOT LINE  
LOCATION: 3408 MANSFIELD ROAD  
TAX MAP #S: 0611 11 0997A

Group: 97-M-122

**VC 97-M-122**

APPLICANT: CHRISTENSEN, KENT R.  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DTE: 02/18/1998  
ZONING DISTRICT: R-2  
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 27.8 FT. FROM FRONT LOT LINE AND 7.5 FT. FROM REAR LOT LINE  
LOCATION: 6145 BEACHWAY DRIVE  
TAX MAP #S: 0611 11 0913

Group: 2002-MA-070

VC 2002-MA-070

APPLICANT: JAMES M & CARMEN L BRANHAM  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DATE: 07/17/2002  
ZONING DISTRICT: R- 2  
DESCRIPTION: TO PERMIT CONSTRUCTION OF ADDITION 8.0 FEET FROM SIDE LOT LINE AND 25.5 FEET FROM FRONT LOT LINE  
LOCATION: 6305 BEACHWAY DRIVE  
TAX MAP #S:  
0611 11 1020A

Group: 2003-MA-019

VC 2003-MA-019

APPLICANT: ELIZABETH AND DELIO GIANTURCO  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DATE: 04/23/2003  
ZONING DISTRICT: R- 2  
DESCRIPTION: TO PERMIT CONSTRUCTION OF ADDITION 5.5 FEET FROM SIDE LOT LINE AND EAVE 4.5 FEET FROM SIDE LOT LINE  
LOCATION: 6338 WATERWAY DRIVE  
TAX MAP #S:  
0611 11 0655

Group: 2003-MA-052

VC 2003-MA-052

APPLICANT: ROBERT & MILDRED SCHREIBER, TRUSTEES  
STATUS: APPLICATION DENIED  
STATUS/DECISION DATE: 07/02/2003  
ZONING DISTRICT: R- 2  
DESCRIPTION: TO PERMIT CONSTRUCTION OF ADDITION 25.7 AND EAVE 24.6 FEET FROM FRONT LOT LINE  
LOCATION: 3410 MANSFIELD ROAD  
TAX MAP #S:  
0611 11 0996A

Group: 2003-MA-085

VC 2003-MA-085

STAFF REPORT

APPLICANT: ELLEN S SUAREZ & BRENT J OBENOUR  
STATUS: APPLICATION DENIED  
STATUS/DECISION DATE: 08/06/2003  
ZONING DISTRICT: R- 2  
DESCRIPTION: TO PERMIT CONSTRUCTION OF A CARPORT 0.0 FEET FROM SIDE LOT LINE  
LOCATION: 6302 BEACHWAY DRIVE  
TAX MAP #S:  
0611 11 1033

Group: 2003-MA-180

VC 2003-MA-180

STAFF REPORT

APPLICANT: DAN AND JANE MATTOON  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DTE: 02/18/2004  
ZONING DISTRICT: R-2  
DESCRIPTION: TO PERMIT CONSTRUCTION OF ADDITION 19.0 FEET WITH EAVE 18.3 FEET FROM REAR LOT LINE AND ROOFED DECK 33.2 FEET AND STAIRS 18.5 FEET FROM FRONT LOT LINE  
LOCATION: 6344 CAVALIER CORRIDOR  
TAX MAP #S:  
0611 11 0545

Group: 2004-MA-052

VC 2004-MA-052

STAFF REPORT

APPLICANT: JOSEPH FRANCO AND SARA FRANCO  
STATUS: APPLICATION DENIED  
STATUS/DECISION DTE: 06/30/2004  
ZONING DISTRICT: R-2  
DESCRIPTION: TO PERMIT CONSTRUCTION OF ADDITION 31.3 FEET WITH EAVE 30.6 FEET FROM FRONT LOT LINE AND 10.0 FEET WITH EAVE 9.6 FEET FROM SIDE LOT LINE  
LOCATION: 6201 BEACHWAY DRIVE  
TAX MAP #S:  
0611 11 0936

Group: 2007-MA-007

SP 2007-MA-007

STAFF REPORT

APPLICANT: JOHN L. KING, III  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DTE: 04/03/2007  
ZONING DISTRICT: R-2  
DESCRIPTION: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 7.5 FEET FROM SIDE LOT LINE  
LOCATION: 3413 FIDDLERS GREEN  
TAX MAP #S:  
0611 11 0646

Group: 2010-MA-014

SP 2010-MA-014

STAFF REPORT

LOCATOR MAP

APPLICANT: DEEPAK BHATTASALI AND MEI XIE BHATTASALI, TRUSTEES  
STATUS: APPLICATION APPROVED  
STATUS/DECISION DTE: 04/21/2010  
ZONING DISTRICT: R-2  
DESCRIPTION: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 27.08 FEET FROM FRONT LOT LINE  
LOCATION: 3404 MANSFIELD ROAD  
TAX MAP #S:  
0611 11 0998

**Group: 2013-MA-101**

**SP 2013-MA-101**

**APPLICANT:** JODI IRWIN & CHRISTOPHER ROSS  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DATE:** 02/05/2014  
**ZONING DISTRICT:** R-2  
**DESCRIPTION:** REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 7.7 FEET FROM SIDE LOT LINE AND 12.7 FEET FROM REAR LOT LINE  
**LOCATION:** 5503 DEARBORN DRIVE, FALLS CHURCH, VA 22044  
**TAX MAP #S:**  
0611 11 0412

#### **8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-903 Standards for All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

### **8-922 Provisions for Reduction of Certain Yard Requirements**

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
  - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
  - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
  - C. Accessory structure location requirements set forth in Sect. 10-104.
  - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
  - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
  - H. If applicable, the location of a well and/or septic field.
  - I. Existing and proposed gross floor area and floor area ratio.

- J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. The location, type and height of any existing and proposed landscaping and screening.
  - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.